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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,374	10/30/2000	Kent D. Chapman	4380.000400	2238
23720	7590	02/06/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			PRYOR, ALTON NATHANIEL	
			ART UNIT	PAPER NUMBER

1616

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/702,374

Applicant(s)

CHAPMAN ET AL.

Examiner

Alton N. Pryor

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-17,20--50,59-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17,22-26,59-61,64-66 and 70 is/are rejected.
- 7) ☐ Claim(s) 20,21,27-50,62,63,67 and 72-82 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 64-66, 70 are rejected under 35 U.S.C. 102(b) as being anticipated by della Valle et al (US 5506224; 4/9/96). Della Valle teaches a composition comprising at least an N-acyl compound including N-lauroylethanolamide, N-stearoylethanolamide, N-palmitoylethanolaminde, and N-linoleoylethanolamide. See columns 21-22 Table 2. della Valle teaches that the composition also comprises lecithin and maize oil (carrier). See column 26 lines 33-40. Della Valles teaches that the composition is used in a method to treat psoriasis. See abstract, column 5 lines 16-24, 52-62. The composition can be administered topically or orally. See column 25 lines 19-37.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17,22-26,59-61,68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over della Valle as applied to claims 64-66,70 above in further view of Oden (US 5580857; 12/03/96) and Kemp (US 5152989; 10/6/92). Della Valle teaches

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all that is recited in claims 1-17, 23-26, 59-61, 70, 71 except for the composition / method comprising gibberellin. See 35 USC 102(b) above. However, Oden teaches a composition comprising gibberellin. Oden teaches that the composition can further comprise ingredients such as lecithin, vegetable oil, sucrose, and buffering agent. See abstract, column 6 lines 12-37, column 7 lines 5-6. Oden teaches that the composition is used in a method to treat psoriasis. See abstract. Oden teaches that the composition can be administered orally or topically. See line 4 – column 7 line 10. It would have been obvious to one having ordinary skill in the art to modify the invention of della Valle to include the vegetable oil, sucrose, and buffering agent taught by Oden. One would have been motivated to do this since both della Valle and Oden individually teach compositions and methods for treating psoriasis. The modified invention of della Valle – Oden does not comprise isopropanol. However, Kemp teaches a composition comprising isopropanol. See abstract, column 4 Table. Kemp teaches that the composition is applied topically to treat psoriasis. See column 1 lines 7-32. claim 1. It would have been obvious to one having ordinary skill in the art to further modify the modified invention of della Valle – Oden to include isopropanol. One would have been motivated to do this since all three inventions individually teach the treatment of psoriasis.

### ***Claim Objection***

Claims 20, 21, 27-50, 62, 63, 67, 72-82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not

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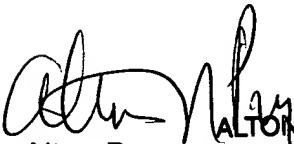
teach or suggest the instant composition comprising an antifungal agent, bactericide, or bacteriostatic agent. The prior art does not teach a method of applying the composition comprising N-acylethanolamines to a plant.

***Telephonic Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ALTON N. PRYOR  
Alton Pryor PRIMARY EXAMINER  
Primary Examiner  
AU 1616